

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REGINALD BOOKER,)	
)	
Plaintiff,)	Case No. 1:04-cv-646
)	
v.)	Honorable Joseph G. Scoville
)	
CSX TRANSPORTATION, INC.,)	
)	
Defendant.)	
)	

MEMORANDUM OPINION ON COSTS

This FELA action was tried to a jury in January 2007. The jury returned a verdict in favor of plaintiff on January 11, 2007. The court entered judgment on the same day and provided that plaintiff may tax his costs. Plaintiff's counsel filed a bill of costs on February 12, 2007, accompanied by a declaration under penalty of perjury that the costs were correct and were necessarily incurred in the action. (Bill of Costs, docket # 98). Rule 54(d)(1) of the Federal Rules of Civil Procedure provides that costs in civil cases "shall be allowed as of course to the prevailing party unless the court otherwise directs." Local Civil Rule 54.1 governs the procedure for taxation of costs. The local rule requires filing of a bill of costs with the Clerk within thirty days from the entry of judgment. The rule requires any party objecting to the taxation of costs to file a motion to disallow all or part of the claimed costs within ten days of service of the bill of costs on that party. In the present case, defendant has not filed a motion to disallow costs, and the time for doing so has

long expired. The court will therefore enter judgment in favor of plaintiff on the basis of the unobjected to bill of costs.

Dated: March 7, 2007

/s/ Joseph G. Scoville
United States Magistrate Judge